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Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852
Attn: Docket No. 02N-0278

April 2, 2003

Dear Proposal Administrator:

Calavo Growers, Inc. concurs with the comments presented by the produce industry representatives United Fresh Fruit & Vegetable Association and J&K Fresh, LLC, the customhouse broker, on the FDA Bioterrorism Act proposed rules regarding Prior Notice, Docket No. 02N-0278. In addition we have the following concerns.

Calavo Growers, Inc. is a packer, importer, and marketer of fresh avocados and a producer, importer and marketer of processed avocado products as well as a member of C-TPAT. We import from Chile, New Zealand, and Mexico. Our comments on the proposed ruling cover two categories, ocean vessel shipments arriving in US ports and truckloads crossing from Mexico into the US through border crossings.

ALL ENTRIES

Time Requirements The Prior Notice Submission Form estimates it will take us 0.5 – 1.0 hour to provide information per entry, including reading the instructions and searching data sources. The time will decrease once the submitter is familiar with the instructions and the repetitive information is at hand. Some of our entries will require one hour to submit, while normal entries will take an estimated 15 – 25 minutes, which will mean one extra day's work per week for a data entry clerk to submit the Prior Notice forms for our entries.

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VESSELS FROM CHILE & NEW ZEALAND

Duplication of Entries As suggested in comments from others we need to combine data entry with existing programs, OASIS, etc., changing a few aspects to co-ordinate between the programs, allowing one entry for the entire government per incoming shipment.

Unknown Information We do not have the following information required to submit prior notice 24 hrs in advance: the Customs Entry Number/Cust Line#/FDA Line #, or the hour of arrival. We often do not know until 8am that morning whether we are receiving our shipment that very day due to weather considerations and scheduling conflicts for existing labor, and even during the day we don't know whether our fruit will be unloaded and available because of fluctuating production rate of unloading, equipment failures, etc.

Response- Approved or Disapproved If we could get a response back from FDA as to whether an entry is processed and approved or disapproved, instead of finding out at the time the shipment arrives that would be very helpful. If there's a problem with our notice and we have to wait another 24 hrs to get it cleared we will have trucks holding over and charging us extra, customers who will cancel their orders, USDA inspectors scheduled to do the Market Order inspection having to rearrange their schedules, and our cooler staff assigned to come to work at the wrong time. We need to have a quick turnover in reviewing the notice and responding, and in cases of disapproval a quick method to submit revisions and a wider amendment/ update procedure. We are responsible for protecting the fruit, we cannot have it sitting out of refrigeration waiting for clearance and there are not enough dockside cold storage facilities to protect all our shipments. At most of the piers the fruit unloads out of the refrigerated vessel onto an un-refrigerated warehouse floor and will lose value if it sits for more than a few hours and warms up, and will be worthless if it sits out for 24 hours while we submit a new entry.

New Computer System Instead of setting up a whole new system with new computers and forms and training it is more cost-effective to work within the inspections and regulations that are set up already. For instance, the existing program for pesticide & disease contamination sampling is already being done by Origin/ Importer/ Shipper/ Grower; the number of samples could be expanded to increase protection. Documentation is already provided for each arrival; it would be a better use of resources to review existing documentation instead of requesting other forms. Data entry should only be done one time for each shipment for any purpose- the customs brokers submit entries into the system and all government agencies use that data for clearing arrivals.

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MEXICAN TRUCKS INTO U.S.

Time Requirements For the Prior Notice program timing is a big problem. It takes less than 24 hours to bring fruit from the packinghouse in Uruapan to the Laredo border crossing. When we load in Uruapan we don't know ahead of time exactly what we are going to put on the truck so we don't have a B/L finished in time for 24-hour prior notice. The added wait at the border will cost us an additional \$200 per truckload.

Duplication of Entries We should be able to use the existing systems for border crossings to protect the food supply. We already have a tracking system to advise the U.S. government at the border once the trucks leave the packinghouse on their way to cross the border. Existing protections put in place to safeguard our agriculture industry from fruit flies etc., provide sufficient controls to keep the food supply safe. If tiny flies can't get out of a truck, people can't get in.

New Computer System We are concerned about the use of resources in developing a new computer system, both from a time and money standpoint. How would FDA be able to set up an entirely new system in 8 months? In our own experience we have seen many systems that are developed and finally discarded or still not complete years later, at a huge financial loss. Instead of developing a new computer system for submitting entries we could use the existing system, OASIS, and avoid unnecessary spending on a new system and also avoid duplicate data entry.

Best Use of Resources Our resources would be better used for things like increased sampling, following up on suspicious entries, distributing contamination sensors and setting up more testing laboratories to monitor the roadways, commercial coolers and stores and for developing filter systems to protect against airborne contaminant attacks.

Thank you for requesting input from the industry.

Best Regards,



Diana Mathias
Logistics Manager



CALAVO GROWERS, INC.

DIANA MATHIAS
LOGISTICS MANAGER

2530 RED HILL AVE., SANTA ANA, CA 92705-5542
TELEPHONE (949) 223-1111 ext. 4275
FAX (949) 660-4253

DIRECT LINE (949) 833-4275
CELLULAR (949) 300-3753
E-MAIL dianam@calavo.com